

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE TINGO GROUP, INC. DERIVATIVE
LITIGATION

Lead Case No. 2:23-CV-20749-ES-MAH

This Document Relates to:

ALL ACTIONS

**DECLARATION OF KEVIN J.
O'BRIEN IN SUPPORT OF
PRO HAC VICE ADMISSION**

Kevin J. O'Brien, Esq., hereby declares pursuant to 28 U.S.C. § 1746:

1. I am counsel in the law firm of King & Spalding LLP, 1185 Avenue of the Americas, 34th Floor, New York, NY 10036-2601; telephone: 212-827-4088; email: kobrien@kslaw.com.

2. I submit this Declaration in support of the motion for my admission *pro hac vice* in this case on behalf of Defendant Ernst & Young Americas LLC.

3. King & Spalding LLP, with offices at 1185 Avenue of the Americas, 34th Floor, New York, New York, 10036, is counsel for the Defendant Ernst & Young Americas LLC in this action upon which all notices, orders and pleadings may be served, and which may be required to appear before this Court. All pleadings, briefs, and other papers filed with the Court shall be signed by a member or associate of King & Spalding who is admitted to the Bar of this Court and shall be held responsible for said papers and for the conduct of the case and who will be held responsible for the conduct of the attorney admitted hereby.

4. I am a member of the Bar of the State of New York, and have been a member since 2022.

5. I am a member of the Bar of the State of Georgia, and have been a member since 2015.

6. I am a member of the Bar of the Commonwealth of Virginia, and have been a member since 2009.

7. The names and address of the offices maintaining the rolls of members of the bar in those jurisdictions are as follows:

New York State Unified Court System	25 Beaver Street New York, NY 10004
State Bar of Georgia	104 Marietta St. NW, Suite 100, Atlanta, GA 30303
Virginia State Bar	1111 East Main Street, Suite 700 Richmond, Virginia 23219-0026

8. I have been a member of the bar of the U.S. Court of Appeals for the Second Circuit since 2023. The office address of the official maintaining my admission is: United States Court of Appeals for the Second Circuit, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007. I am a member of good standing in this court.

9. I have been a member of the bar of the U.S. Court of Appeals for the Fourth Circuit since 2010. The office address of the official maintaining my admission is: United States Court of Appeals for the Fourth Circuit, 1100 E. Main Street, Suite 501, Richmond, Virginia 23219-3517. I am a member of good standing in this court.

10. I have been a member of the bar of the U.S. Court of Appeals for the Eleventh Circuit since 2015. The office address of the official maintaining my admission is: United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, N.W., Atlanta, GA 30303. I am a member of good standing in this court.

11. I have been a member of the bar of the U.S. District Court for the Eastern District of New York since 2022. The office address of the official maintaining my admission

is: United States District Court for the Eastern District of New York, 225 Cadman Plaza E, Brooklyn, New York 11201. I am a member of good standing in this court.

12. I have been a member of the bar of the U.S. District Court for the Southern District of New York since 2022. The office address of the official maintaining my admission is: United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007. I am a member of good standing in this court.

13. I have been a member of the bar of the U.S. District Court for the Western District of Virginia since 2009. The office address of the official maintaining my admission is: United States District Court for the Western District of Virginia, 210 Franklin Road S.W., Suite 540, Roanoke, Virginia 24011. I am a member of good standing in this court.

14. I have been a member of the bar of the U.S. District Court for the Eastern District of Virginia since 2009. The office address of the official maintaining my admission is: United States District Court for the Eastern District of Virginia, Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. I am a member of good standing in this court.

15. I have been a member of the bar of the U.S. District Court for the Northern District of Georgia since 2015. The office address of the official maintaining my admission is: United States District Court for the Northern District of Georgia, Richard B. Russell Federal Building & United States Courthouse, 2211 United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303-3309. I am a member of good standing in this court.

16. I am not currently under suspension or other disciplinary action with respect to my practice and have not been denied admission or disciplined by the Courts of the State of New Jersey, United States District Court for the District of New Jersey, or by any other court.

17. I shall notify the Court immediately of any matter affecting my standing in the Bar of any of the courts listed above.

18. My firm has been retained to represent the Defendant Ernst & Young Americas LLC, and I am familiar with the facts of this case. Accordingly, the Defendant Ernst & Young Americas LLC has requested that my firm and I participate actively in this litigation and appear in various proceedings during the course of the litigation.

19. I understand that if this Court grants me admission *pro hac vice*, I must abide by all applicable Rules of Court, including all local rules and all disciplinary rules.

20. I understand that if this Court grants me admission *pro hac vice*, I must pay the annual fee to the New Jersey Lawyers' Fund for Client Protection in accordance with L. Civ. R. 101.1(c)(2) and New Jersey Court Rule 1:28-2 within twenty (20) days from the date of the entry of the order granting my admission, and must continue to do so for each year I continue to represent the Defendant Ernst & Young Americas LLC. in this matter.

21. I understand that if this Court grants me admission *pro hac vice*, I must make payment of \$150.00 to the Clerk of the United States District Court in accordance with L. Civ. R. 101.1(c)(3).

22. I understand that if this Court grants me admission *pro hac vice*, I agree to take no fee in any tort case in excess of the New Jersey Court Contingency Fee Rule, Rule 1:21-7.

23. I acknowledge that upon my admission *pro hac vice*, I am within the disciplinary jurisdiction of this Court.

24. Based on the foregoing reasons, I respectfully request to be admitted *pro hac vice* in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 17, 2024


Kevin J. O'Brien